

1 REMARKS

2 Status of the Claims

3 Claims 1-27 remain pending in the application. Applicants have amended Claims 1, 12, 21, 26,
4 and 27 to more clearly define the invention and to make clear a distinction that applicants believed to be
5 apparent in the claims prior to this amendment.

6 Amendment to the Specification

7 Applicants have amended the specification to conform the specification to current PTO
8 formatting rules in regard to hyperlinks. Applicants would like to thank the Examiner for his
9 amendment suggestions, each of which were generally adopted in this amendment.

10 Claims Rejected under 35 U.S.C. §102(e)

11 The Examiner has rejected Claims 1, 3-4, 6-13, 15-17, 20-24, and 26-27 as being anticipated
12 by Shtivelman (U.S. Patent No. 6,346,952 hereinafter referred to as "Shtivelman"). The Examiner
13 asserts that Shtivelman describes each element of applicants' claimed invention. Applicants
14 respectfully disagree for at least the reasons discussed below.

15 In the interest of reducing the complexity of the issues for the Examiner to consider in this
16 response, the following discussion focuses on independent Claims 1, 12, 21, 26, and 27 (all as
17 amended). The patentability of each dependent claim is not necessarily separately addressed in
18 detail. However, applicants' decision not to discuss the differences between the cited art and each
19 dependent claim should not be considered as an admission that applicants concur with the Examiner's
20 conclusion that these dependent claims are not patentable over the cited references. Similarly,
21 applicants' decision not to discuss differences between the prior art and every claim element, or every
22 comment made by the Examiner, should not be considered as an admission that applicants concur
23 with the Examiner's interpretation and assertions regarding those claims. Indeed, applicants believe
24 that all of the dependent claims patentably distinguish over the references cited. However, a specific
25 traverse of the rejection of each dependent claim is not required, since dependent claims are
26 patentable for at least the same reasons as the independent claims from which the dependent claims
27 ultimately depend. Support for the amendment to the claims is provided at least by page 4, line 5 to
28 page 5, line 25 of applicants' specification.

29 In the Examiner's remarks, the Examiner continues to read Shtivelman as teaching that "[t]he
30 agents are software resources used to communicate through the chat system." (Office action, page 13

1 second full paragraph). Applicants respectfully submit that Shtivelman makes clear in several
2 instances throughout his disclosure that "agents" are in fact humans and are not software. One
3 example is found at col. 3, lines 2-8, wherein Shtivelman describes the background for his invention:

4 An **agent** moving from one session to another must refresh **his** acknowledgment
5 of each topic by noticing the topic heading in a particular chat session. However,
6 in order to refresh **his** memory to the most recent flow of queries and responses
7 generic to one session, **he** or **she** must scroll up to view the dialog and readjust **his**
8 memory state to the dialog flow. (Emphasis added.)

9 Applicants respectfully submit that the above cited portion of Shtivelman quite clearly
10 demonstrates that the "agents" to whom the entire disclosure of Shtivelman refers are in fact human
11 "agents" operating within a call center environment, since software clearly does not have a gender.
12 There are several other examples within the disclosure of Shtivelman that further support this
13 conclusion, including the disclosure at col. 5, lines 57-64, which recites:

14 A plurality of **agent workstations**, 59, 61, 63, and 65 are provided and adapted to
15 facilitate communication and other tasks performed by agents working in center
16 15. In this example, each station 59-65 is provided with an agent telephone for
17 facilitating COST communication. These are, as illustrated, telephones 77, 79, 81,
18 and 83 respectively. Telephones 77-83 are connected to CTI-enhanced switch 51
19 by internal COST wiring 55. (Emphasis added.)

20 The above excerpt describes a call center where agents are provided a telephone at an agent
21 workstation. It is quite clear that an agent workstation is a physical environment, such as a cubicle,
22 based on a full reading of Shtivelman.

23 Further examples supporting the conclusion that Shtivelman only refers to human agents
24 include Column 8, lines 4-7 of Shtivelman, which recites "[I]f total traffic for an agent meets or
25 exceed that agent's maximum limit value over a given time period the agent in question is considered
26 to be at capacity or overloaded (working beyond **his or her capacity**)." (Emphasis added.) Yet
27 another example is provided at column 9, lines 19-29, which recites:

28 Many considerations may be taken into account in creating accurate and practical
29 load limits for agents. One consideration would be typing proficiency. Another
30 consideration may be how much "innate knowledge" an agent has about certain
topics without having to use reference material. Still another consideration would
be the fluency level of an agent when speaking certain foreign languages. In some
cases, a load limit may be found empirically through simulated chat sessions
participated in by fellow agents during training with agents posing typical
questions that customers might ask under specified topics.

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2 Clearly, only a *human* agent can have a gender, require a telephone, be trained, have a
3 workload capacity, innate knowledge, and foreign language fluency. None of these qualities have
4 any meaning in the context of an agent implemented in software. Therefore, applicants respectfully
5 submit that the Examiner has misread Shtivelman, and that it is quite clear that one of ordinary skill
6 would not conclude that the agents to which Shtivelman refers are software agents, but are instead,
7 humans agents. Furthermore, there is simply no disclosure or suggestion in Shtivelman that is even
8 arguably similar to that which is recited in applicants Claims, in regard to the functionality of a
9 human agent – specifically, compared to applicants’ recitation of a software resource that performs as
10 a participant in a chat session.

11 As argued in the previous response, Shtivelman teaches chat management software for use in
12 assisting *human* agents with remembering chat threads when more than one thread is assigned to an
13 agent at a time. Clearly, this functionality and the purpose of this reference is not the same as
14 applicants’ recitation in Claim 1 of a method for including a software resource as a participant within
15 an online chat session conducted through a messaging service.

16 The Examiner again asserts that col. 11, lines 17-26 of Shtivelman discloses subparagraph (a)
17 of applicants’ Claim 1. As amended, this subparagraph recites "registering the software resource to
18 indicate that it is available to participate in an online chat session, when said software resource is
19 executed." However, as discussed above, the agents described in Shtivelman are not software, but
20 rather humans. The cited portion of Shtivelman relied upon by the Examiner reads in part, "[i]n one
21 embodiment, CMS software can be implemented on a shared data network wherein agents host
22 sessions in network servers from home computers having network connection capability. Agents
23 who logon to the network are assigned initial chat sessions held in network servers." However, lines
24 28-31 of col. 11, Shtivelman recites "If new agents are needed to handle network loads, then agents
25 may be contacted at home by the network and asked if they could log-on and work." Applicants
26 respectfully submit that only a *human* agent may be contacted at home and requested to log on to do
27 work. Clearly, there is no disclosure or suggestion within any of the cited text that even relates to
28 "registering the software resource to indicate that it is available to participate in an online chat
29 session, when said software resource is executed." In fact, the above cited portion of Shtivelman
30

1 relates only to *human agents*, not to a *software resource* that is available to *participate in* a chat
2 session.

3 In response to the Examiner's remarks regarding subparagraph (b) of Claim 1, applicants have
4 amended the Claim to recite, "enabling a user who is participating in the online chat session to
5 include the software resource within a list of participants in the online chat session, the software
6 resource then being available to the user as a participant in the chat session in which the user is also
7 participating." Applicants respectfully submit that these amendments clarify the relationship between
8 the software resource and one or more users within the chat session. For at least the above reasons,
9 applicants assert that Shtivelman does not disclose or suggest what is recited in applicants' Claim 1
10 (as amended), and therefore does not anticipate Claim 1 or render it obvious. For this reason,
11 amended Claim 1 is allowable over the cited art. However, the Examiner relies upon these same
12 cited portions of Shtivelman to reject similar portions of Claims 12, 21, 26, and 27. Yet, as
13 amended), these claims each include a *software resource* as a *participant*, and to clarify the
14 relationship between a user and the software resource. Therefore, each of Claims 12, 21, 26, and 27
15 are also allowable over the cited art, based on the same reasoning applied above in traversing the
16 rejection of Claim 1 over Shtivelman. For each of the reasons stated above, applicants assert that
17 Claims 1, 12, 21, 26, and 27, and all of the claims that depend from them, are allowable over the cited
18 art.

19 Claims Rejected under 35 U.S.C. § 103

20 The Examiner again rejected Claims 2, 5, 14, 18, and 25 under 35 U.S.C. § 103(a) as being
21 unpatentable over Shtivelman in view of U.S. Patent No. 6,564,261 (Gudjonsson et al). The
22 Examiner renewed the rejection of Claim 19 over Shtivelman in view of U.S. Patent No. 6,373,853
23 (Yoshida). Claims 2 and 5 depend from Claim 1, Claims 14, 18, and 19 depend from Claim 12, and
24 Claim 25 depends from Claim 21. Since each dependent claim inherently includes the recitation of
25 the independent claim from which it ultimately depends, each of the above rejected dependent claims
26 is patentable for at least the reasons stated above for the patentability of independent Claims 1, 12,
27 and 21 as amended. For this reason, the rejection of Claims 2, 5, 14, 18, 19, and 25 is improper, and
28 applicants therefore request that the rejection of each of these claims be withdrawn.

29 In consideration of the remarks set forth above, all claims in the present application are
30 patentable over the art of record. Since the application is in condition for allowance, the application

1 should be passed to issue without further delay. Should any questions remain, the Examiner is
2 invited to telephone applicants' attorney at the number set forth below.

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4 Respectfully submitted,

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7 /ron anderson/
8 Ronald M. Anderson
9 Registration No. 28,829

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